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# REVIEW OF ACTIVITIES OF THE UNITED NATIONS SYSTEM RELATING TO INDIGENOUS PEOPLES: AN INTERACTIVE DISCUSSION

## Information received from the United Nations system

## WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

### Introduction

1. The World Intellectual Property Organization (WIPO) is one of the specialized agencies of the United Nations system of organizations. WIPO's mandate is the promotion of the protection of intellectual property (IP) throughout the world through cooperation among States, where appropriate in collaboration with any other international organization. The notion of "intellectual property" is defined in article 2 (viii) of the Convention establishing the World Intellectual Property Organization, 1967, to include rights relating to:

Literary, artistic and scientific works;

Performances of performing artists, sound recordings and broadcasts;

Inventions in all fields of human endeavour;

Scientific discoveries;

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Industrial design;

Trademarks, service marks, and commercial names and designations;

Protection against unfair competition;

All other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.

2. WIPO currently has 178 member States. The WIPO Program of Activities and Budget are determined for two-year periods by the organization's member States. WIPO's headquarters are in Geneva, Switzerland.

**WIPO and traditional knowledge: 1998-2001**

3. Although WIPO has been active in the field of so-called "expressions of folklore" since the 1960s, in 1998 WIPO commenced a new set of activities designed to explore the intellectual property aspects of the protection of traditional knowledge. The main objective of these activities was "to identify and explore the intellectual property needs and expectations of new beneficiaries, including the holders of indigenous knowledge and innovations, in order to promote the contribution of the intellectual property system to their social, cultural and economic development" (Main Program 11, WIPO Program and Budget 1998-1999).

4. To this end a range of exploratory activities was carried out by WIPO in 1998 and 1999, including:

Between June 1998 and November 1999, WIPO conducted nine fact-finding missions (FFMs) to 28 countries in the South Pacific, southern and eastern Africa, South Asia, North America, Central America, West Africa, the Arab countries, South America and the Caribbean. On the FFMs, WIPO representatives spoke directly with the holders of traditional knowledge (TK), such as traditional healers, farmers and artisans, in order to learn first-hand about their needs and expectations for traditional knowledge protection. In July 2000, WIPO produced a draft report on all the FFMs and made it available for public comment. Comments received were taken into account in producing the revised report, which was published in April 2001. The draft and revised reports are available from the WIPO web site at www.wipo.int/globalissues.

In cooperation with the United Nations Educational, Social and Cultural Organization (UNESCO), WIPO organized four regional consultations on the protection of "expressions of folklore". The Recommendations, Resolutions and other documents from these Consultations are available on the WIPO web site at www.wipo.int/globalissues.

In July 1998 and November 1999, WIPO organized two round tables to facilitate an exchange of views among policy makers, indigenous peoples and other holders of TK on the role of intellectual property in the protection of traditional and indigenous knowledge.

WIPO also undertook, in cooperation with the United Nations Environment Programme (UNEP), an on-site documentation project on the role of intellectual property rights in the sharing of benefits arising from the use of biological resources and associated traditional knowledge.

5. As is apparent from the above, the WIPO work programme does not address indigenous peoples specifically or exclusively. The programme addresses the rights and interests of all holders and custodians of tradition-based creations and innovations (referred to as "traditional knowledge holders" or "TK holders"), including of course indigenous peoples.

6. In 2000-2001 the work moved beyond issues-identification into a phase of addressing conceptual problems and testing practical solutions for the protection of TK. The WIPO Program and Budget for the 2000-2001 biennium included, for example, the following activities: the development of practical training and information materials, including an online distance learning course on the IP system and the protection of TK; practical training workshops for TK holders and others on the IP system and how the IP system relates to the protection of TK; IP information, training and standards for the documentation of TK; and practical studies of actual cases in which TK protection has been sought under the IP system, and the publication of the lessons learned.

**The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore**

7. At the twenty-sixth session of the General Assembly of the member States of WIPO, held in Geneva from 25 September to 3 October 2000, the member States established an Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore for the purpose of discussions on these subjects. The Intergovernmental Committee constitutes a forum in which discussions can proceed among member States on three primary themes, namely intellectual property issues that arise in the context of (i) access to genetic resources and benefit sharing; (ii) protection of traditional knowledge, whether or not associated with those resources; and (iii) the protection of expressions of folklore.

8. The working documents of the Intergovernmental Committee can be obtained from the Secretariat and are also available on the WIPO web site at www.wipo.int/globalissues.

**First session of the Intergovernmental Committee**

9. The Intergovernmental Committee held its first session from 30 April to 3 May 2001. At the first session of the Intergovernmental Committee, WIPO member States expressed support for a work programme intended to advance discussion on the three themes, as follows:

**Genetic resources**

To consider the development of "guide contractual practices", guidelines, and model intellectual property clauses for contractual agreements on access to genetic resources and benefit-sharing, taking into account the specific nature and needs of different stakeholders, different genetic resources, and different transfers within different sectors of genetic resource policy. (Task A.1)

**Traditional knowledge**

Delineating the scope of subject matter in respect of which the member States wish to discuss the application of intellectual property protection, for the purpose of having a definition of the term "traditional knowledge". (Task B.1)

To compile, compare and assess information on the availability and scope of intellectual property protection for traditional knowledge within the scope of subject matter which was delimited under Task B.1 and to identify any elements of the agreed subject matter which require additional protection. (Task B.2)

To consider the revision of existing criteria and developing new criteria which would allow the effective integration of traditional knowledge documentation into searchable prior art. (Task B.3)

To consider ways of assisting traditional knowledge holders in relation to the enforcement of intellectual property rights, in particular by assisting them to strengthen their capacity to enforce their rights. (Task B.4)

**Expressions of folklore**

To undertake a collection and analysis of national experiences with regard to the protection of folklore. (Task C.1)

**Second session of the Intergovernmental Committee**

10. The second session of the Intergovernmental Committee took place in Geneva from 10 to 14 December 2001. At the second session, the Committee discussed possible activities for the implementation of the tasks of the work programme adopted at the first session. The Committee Members expressed support for a set of activities, intended to implement the tasks, which comprises the following items.

**Genetic resources**

The Committee adopted a two-step approach for the development of guide contractual practices and model intellectual property clauses for contractual agreements on access to genetic resources and benefit-sharing. It decided that, first, a complete and systematic survey of IP clauses used in existing contracts should be undertaken and, second, guide practices and model IP clauses should be developed, based on the existing practices and

clauses. The Committee reached certain general conclusions concerning the guide practices and model clauses, including that they would be developed with the full and effective participation of all stakeholders, in particular indigenous and local communities.

**Traditional knowledge**

11. The Committee discussed in detail activities on traditional knowledge as prior art and expressed support for the following measures:

Compiling an inventory of traditional knowledge-related periodicals for their possible integration into the minimum documentation list under the Patent Cooperation Treaty (PCT);

Considering a possible recommendation that certain periodicals may be considered for integration into the Journal of Patent Associated Literature (JOPAL) project;

Taking into account traditional knowledge in future amendments of existing guidelines for search and examination of patent applications;

Studying the feasibility of electronic exchange of public domain traditional knowledge documentation data, including through databases and digital libraries;

Examining the applicability of existing intellectual property documentation standards to traditional knowledge-related subject matter and the relationship of these standards with existing traditional knowledge documentation standards;

Assisting traditional knowledge documentation initiatives to manage intellectual property implications of the documentation process.

12. Committee members also requested the Secretariat of WIPO to prepare for the next session of the Committee a document with elements for a possible sui generis system for the protection of traditional knowledge.

**Expressions of folklore**

13. The Committee considered a Preliminary Report on National Experiences with the Legal Protection of Expressions of Folklore and invited Committee Members which had not yet provided information on their national experiences to do so before 31 January 2002. It decided that thereafter a final report would be prepared and issued by the Secretariat, which would summarize and analyse the responses received, draw conclusions and suggest tasks and activities on expressions of folklore which the Intergovernmental Committee may wish to undertake.

**Third session of the Intergovernmental Committee**

14. The third session of the Intergovernmental Committee is expected to take place in Geneva from 13 to 21 June 2002.

**Participation at sessions of the Intergovernmental Committee**

15. The Intergovernmental Committee is open to all member States of WIPO. Relevant intergovernmental organizations and accredited international and regional non-governmental organizations are invited to participate as observers. Twenty-two non-governmental organizations were granted ad hoc observer status at the first and second sessions of the Intergovernmental Committee and 74 non-governmental organizations already have regular observer status at WIPO.

16. Decisions on accreditation are not made by the WIPO Secretariat, but by the member States at the beginning of the sessions of the Intergovernmental Committee. In order to enable Member States to make a decision on the accreditation of an organization, organizations requesting ad hoc observer status at the Intergovernmental Committee should provide WIPO with a brief description of the organization, including the organization's full name, main objectives, full address and contact details, and the name of the country or countries in which the organization is primarily active. It is requested that this description be no longer than five hundred words. A particular description of how the work of the organization relates to intellectual property protection would be very helpful. This description can be sent either by mail or by email to the WIPO Secretariat at the email address: <susanna.chung@wipo.int>. Requests for accreditation for consideration at the third session of the Committee (13-21 June 2002) should be received by the WIPO Secretariat before **24 May 2002**. Requests for accreditation for consideration at the fourth session (December 2002), should be received before the end of October 2002.

17. At its second session, the Committee, furthermore, recommended that the Program and Budget Committee of WIPO should consider the possible financing by WIPO of the participation of indigenous and local communities at the sessions of the Committee. This request will be considered by the Program and Budget Committee at its next meeting.

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# UNITED NATIONS HUMAN SETTLEMENTS PROGRAMME (UN-HABITAT) AND INDIGENOUS PEOPLES

## I. INTRODUCTION

1. The United Nations Human Settlements Programme (UN-HABITAT) is the United Nations focal point for facilitating human settlements solutions as an integral part of sustainable development processes, not only for individual countries but the world community as a whole. It receives its overall policy guidance, priorities and direction from the Governing Council on Human Settlements. The UN-HABITAT has direct involvement in human settlements research and development, as well as technical cooperation programmes.

2. UN-HABITAT which is based in Nairobi, was established in 1978 by the United Nations General Assembly. It came into being following the United Nations Conference on Human Settlements (Habitat I) held in Vancouver, Canada, in June 1976. Habitat I focused global attention for the first time on the unprecedented growth of urban populations and rural-urban migration in developing countries, and the consequent need to address the living and working conditions of millions of people.

3. UN-HABITAT works in partnership with Governments, United Nations specialized agencies, civil society organizations and the private sector to implement the Istanbul Declaration on Human Settlements and the Habitat Agenda. UN-HABITAT has specialized expertise in most areas of human settlements development, namely urban governance, shelter policies, such as combating forced eviction and homelessness, risk and disaster management, advocacy issues

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on gender equality and non-discrimination. Its Global Report on Human Settlements (2001) stimulates international and national partners to debate key development issues, such as changes and challenges in a globalizing world, emerging approaches to governance and politics, changes in housing finance and shelter delivery systems, development in the urban environment and infrastructure and building a common future.

4. Promoting solidarity and cooperation among countries is another key component of UN-HABITAT principles for the achievement of sustainable human settlements development and the provision of adequate shelter and basic services for all. As stated by States at the Habitat II Conference[1] in 1996, partnerships and solidarity with those belonging to vulnerable and disadvantaged groups (VDG) including indigenous peoples and people living in poverty, tolerance, non-discrimination and cooperation among people, families and communities, are foundations for social cohesion. In promoting social cohesion and solidarity, the primary challenge of UN-HABITAT is to support the civic engagement and commitment of Governments at all appropriate levels to establish and strengthen participatory mechanisms, ensuring that all voices, including those of the urban poor, and other vulnerable and disadvantaged groups, including indigenous peoples, are heard when problems and priorities are being identified, goals set, service standards determined, resources mobilized and policies, programmes and projects relating to human settlements development implemented.

5. In addition at its headquarters in Nairobi, UN-HABITAT undertakes activities through its three regional offices: for Africa and Arab States (located in Nairobi); for Latin America and the Caribbean (located in Rio de Janeiro, Brazil); and for Asia and the Pacific (located in Fukuoka, Japan). UN-HABITAT also has seven liaison and information offices (in Beijing, Brussels, Budapest, Chennai, Geneva, Moscow and New York).

6. In December 2001, the General Assembly decided to transform, with effect from 1 January 2002, the United Nations Centre for Human Settlements into "the United Nations Human Settlements Programme", to be known also as "UN-HABITAT". The General Assembly also changed the name of the governing body from "the United Nations Commission on Human Settlements" to "the Governing Council of the United Nations Human Settlements Programme" which reports to the General Assembly through the Economic and Social Council. The UN-HABITAT secretariat will service the Governing Council and serve as the focal point for human settlements and for the coordination of human settlement activities within the United Nations system. As specified by the General Assembly in its resolution 32/162, the Governing Council is composed of 58 members elected by the Economic and Social Council for four-year terms on the following basis: (a) 16 seats for African States; (b) 13 seats for Asian States; (c) 6 seats for Eastern European States; (d) 10 seats for Latin American States; (e) 13 seats for Western European and other States.

## II. POSITION AND POLICIES OF UN-HABITAT TOWARDS INDIGENOUS PEOPLES

7. The UN-HABITAT supports and promotes the principle of a human rights based approach and framework for development and the principle that the right to development and

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[1] United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996.

other economic social and cultural rights are inalienable human rights, whereby every person and all peoples are entitled to participate in, contribute to and enjoy the benefits of development. UN-HABITAT works towards this goal, focusing on increasing inclusiveness and social integration and the realization of housing rights as effective means of improving living conditions in human settlements.

8. Within this approach and framework, UN-HABITAT receives guidance from the human rights treaties and their supervisory bodies and, primarily, from Habitat Agenda in promoting and protecting the rights of the urban poor and other vulnerable and disadvantaged groups, including indigenous peoples, to land, housing and property, and other economic resources. In order to protect and to promote indigenous people's rights in human settlements development and to ensure their full participation in the development of the rural and urban areas in which they live, with full respect for their culture, languages, traditions, education, social organizations and settlement patterns, UN-HABITAT works towards and supports the implementation of specific commitments and measures of the Habitat Agenda.

*Paragraph 122*

*... Governments and leaders of indigenous communities, within the national context, should:*

*(a) Take particular actions to enhance their productive capacities, ensuring...full and equal access to social and economic services [for indigenous people] and their participation in the elaboration and implementation of policies that affect their development;*

*(b) Support the economic activities of indigenous people in order to improve their conditions and development and to secure their safe interaction with larger communities;*

*(c) Integrate indigenous women, their perspectives and knowledge, on an equal basis with men, in decision-making regarding human settlements, including sustainable resource management and the development of policies and programmes for sustainable development, including, in particular, those designed to address and prevent environmental degradation of land;*

*(d) Address the particular needs of indigenous children and their families, especially those living in poverty, thereby enabling them to benefit fully from economic and social development programmes.*

*Paragraph 136*

*... Governments at appropriate levels, including local authorities, in partnership with other interested parties, should:*

*(e) Ensure adequate research to assess how and to what extent women and children are particularly susceptible or exposed to environmental degradation and hazards, including, as necessary, research and data collection on specific groups of women and children, particularly women with low incomes, indigenous women and women belonging to minorities.*

Source: United Nations Centre for Human Settlements (Habitat II), Istanbul, Turkey 3-14 June 1996. Habitat Agenda.

9. With these objectives and guidance and through its diverse activities, UN-HABITAT seeks to raise the awareness and to enhance the capacity of central and local government policy makers and stakeholders so that housing, land, property and other socio-economic issues can be dealt with through more effective measures relating to the promotion, protection and fulfilment of human rights of all populations, including the urban poor, vulnerable and disadvantaged groups and indigenous peoples who live in human settlements. Particular focus is placed in this process on the needs of indigenous women, who in many cases and societies do not enjoy the same status and benefits as men.

## III. ACTIVITIES OF UN-HABITAT RELATING TO INDIGENOUS PEOPLES

10. Since the Second United Nations Conference on Human Settlements (Habitat II), held in 1996, the United Nations Human Settlements Programme (UN-HABITAT) has intensified its activities on issues of inclusive cities and the realization of human rights in general and housing rights in particular, with special focus on the rights of the poor, vulnerable and disadvantaged groups, including indigenous peoples, living in human settlements. Actions of UN-HABITAT relevant in these contexts are implemented as part of and a contribution to its two global campaigns: the Global Campaign on Urban Governance and the Global Campaign for Secure Tenure.

### A. Global Campaign on Urban Governance (CGUG)

11. UN-HABITAT has launched the CGUG with a strategic focus on urban poverty reduction. The Campaign is the product of an emerging consensus that the quality of urban governance has a tremendous impact on poverty reduction efforts. Many local authorities, for example, control issues related to the access, cost and regulation of land use, housing, infrastructure and basic services. They are also responsible for local economic development, including the informal sector. Moreover, the ability of the urban poor and vulnerable and disadvantaged groups including indigenous peoples to participate effectively in local decision-making processes has considerable impacts on whether strategic plans are designed and implemented to address their needs and interests.

### B. Global Campaign for Secure Tenure (GCST)

12. The GCST, which was launched in July 2000, is an advocacy instrument of the United Nations designed to promote the right of the urban poor, and other vulnerable and disadvantaged groups, including indigenous peoples, to participate in processes of settlement upgrading and urban development. By promoting the application of secure forms of tenure and by encouraging negotiation as an alternative to forced eviction, the GCST strengthens collaboration between government at all levels and the urban poor and vulnerable and disadvantaged groups, including indigenous peoples. Secure tenure is regarded as a strategic entry point to eradicate urban poverty. With security of tenure, people living and working in informal settlements are more likely to invest their own resources in shelter and basic services, as well as to make claims on public investment and to attract private investment. Furthermore, security of tenure promotes the integration of slum dwellers in general, and of the urban poor and other vulnerable and disadvantaged groups including indigenous peoples in particular, into society as urban citizens.

13. During the implementation of the GCST, particular attention should be given to the needs and participation of indigenous people. The GCST will advocate for the respect of their identity and culture. It will promote and support an appropriate environment that enables them to participate in political, social and economic life. In the implementation of the GCST, the main areas of focus with respect to indigenous people are on the following commitments of States in the Habitat Agenda:

*Paragraph 40*

*We further commit ourselves to the objectives of: ... (b) Providing legal security of tenure and equal access to land to all people, including women and those living in poverty; and undertaking legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate technologies; ...(d) Ensuring transparent, comprehensive and accessible systems in transferring land rights and legal security of tenure; ...(j) Eradicating and ensuring legal protection from discrimination in access to shelter and basic services, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; similar protection should be ensured against discrimination on the grounds of disability or age; ...(l) Promoting shelter and supporting basic services and facilities for education and health for the homeless, displaced persons, indigenous people, women and children who are survivors of family violence, persons with disabilities, older persons, victims of natural and man-made disasters and people belonging to vulnerable and disadvantaged groups, including temporary shelter and basic services for refugees; (m) Protecting within the national context, the legal traditional rights of indigenous people to land and other resources, as well as strengthening of land management...*

Source: Habitat Agenda

14. Furthermore, to promote active engagement of indigenous people as well as their broad based participation in human settlements development, paragraph 182 of Habitat Agenda states that:

*... national Governments, local authorities and/or civil society organizations should put into effect, at appropriate level institutional and legal frameworks ... specifically aimed at, inter alia: (g) Removing legal barriers to participation in public life by socially marginalized groups and promoting non-discrimination legislation; (h) Establishing agenda setting participatory mechanisms enabling individuals, families, communities, indigenous people and civil society to play a proactive role in identifying local needs and priorities and formulating new policies, plans and projects;*

Source: Habitat Agenda

15. UN-HABITAT encourages central Governments and local authorities to take into consideration human rights frameworks and measures when forced evictions of urban poor, vulnerable and disadvantaged groups, including indigenous peoples, are unavoidable, ensuring that alternative solutions are provided. It facilitates actions aimed at, inter alia, ensuring legal

security of tenure and capacity building and improving access to credit, which, apart from subsidies and other financial instruments, can provide them with safety nets that reduce their vulnerability and disadvantage.

16. UN-HABITAT advocates for the provision of housing subsidies and social services for urban poor, vulnerable and disadvantaged groups including indigenous peoples, supports and facilitates the provision of increased coverage of water supply and sanitation services to ensure that they have access to adequate quantities of safe water and to hygienic sanitation. UN-HABITAT supports the provision of an environment that enables urban poor, vulnerable and disadvantaged groups including indigenous peoples to participate in the social, economic and political life of their community and country, it facilitates them the availability of legal information and assistance, and supports the review and revision of legal, fiscal and regulatory framework within the shelter sector that act as barriers for them. The primary vehicle for consolidating these actions and translating them in operational terms is the Cities Alliance.

### C. Cities Alliance

17. The Cities Alliance was launched jointly by UN-HABITAT and the World Bank in May 1999 as an expanding partnership of organizations committed to developing innovative approaches to urban poverty reduction. With membership of the World Bank, UN-HABITAT and 12 bilateral agencies, the Cities Alliance is a facility for coordinating development cooperation and investment in the areas of slum upgrading and city development. The Cities Alliance has two principal operational components. First, city development strategies (CDS) is an action plan for equitable growth in cities, developed and sustained through broad-based participation to improve the quality of life of all citizens. Second, the Cities Alliance is engaged in slum upgrading that consists of a range of physical, social, economic, organizational and environmental improvements undertaken cooperatively to improve the quality of life in slums. The Cities Alliance, in its "Cities Without Slums" action plan, has set the ambitious target of making a significant improvement in the lives of at least 100 million urban poor, vulnerable and disadvantaged groups including indigenous peoples by 2020. Governments recently endorsed this target in the Millennium Declaration.

### D. United Nations Housing Rights Programme

18. In support of the above activities - and in collaboration with the Office of the High Commissioner for Human Rights, and in compliance with resolution 16/7 of the Commission on Human Settlements and resolutions 2001/28 and 2001/34 of the Commission on Human Rights - UN-HABITAT has initiated the United Nations Housing Rights Programme. The primary objective of this programme is to promote and contribute to the global process of the full and progressive realization of the human right to adequate housing for the urban poor, vulnerable and

disadvantaged groups including indigenous peoples. To achieve this objective the United Nations Housing Rights Programme is involved in the following actions at the global level:

Formulating and adopting norms, standard rules and guidelines;

Elaborating on the existing international legal instruments and enhancing compliance by States;

Establishing a mechanism for the exchange of information and experience;

Developing a system to monitor and evaluate the realization of housing rights.

19. The main challenge of the United Nations Housing Rights Programme, however, is to facilitate and encourage the progressive actions of actors at the national and local levels, including establishment/development of appropriate legislative frameworks and/or reform of current frameworks; building effective institutional structures/arrangements, which also ensures linkages with other services, including health, education, housing, food and water; and organization of national monitoring and evaluation systems to liase with the global level monitoring. Actions at the national level in fundamental areas such as equal access to housing resources for the urban poor, vulnerable and disadvantaged groups including indigenous peoples; promotion of security of tenure and prevention of forced evictions; combating homelessness and protecting the rights of homeless people; and access to legal and other remedies.

### E. Gender equality and women's empowerment initiatives

20. UN-HABITAT addresses gender equality and women's empowerment through all its programmes and activities. Its objective is to advocate the effective implementation of Habitat Agenda commitments related to gender equality and women's empowerment. The UN-HABITAT gender and women's empowerment policy has three overall objectives:

(i) To promote women's equal rights and women's empowerment internationally within the area of human settlements development;

(ii) To support Governments, NGOs and other partners in capacity building and development in order to mainstream gender equality in human settlements development;

(iii) To mainstream a gender perspective throughout UN-HABITAT activities.

21. The main method of outreach for the empowerment of women, vulnerable and disadvantaged groups including indigenous women in human settlements is through the global women's networks dealing with women, homes and communities operating under the umbrella of the Huairou Commission, created in Beijing in 1995. These networks include the Habitat International Council Women and Shelter Network (HICWAS), Grassroots Women

Organizing Together in Sisterhood (GROOTS) and the International Council of Women (ICW). These networks aim to advance the capacity of grass-roots women worldwide to strengthen and create sustainable communities.

22. Besides the global women's networks, UN-HABITAT has created the Gender Task Force (GTF), an internal body which aims to mainstream gender in all aspects of UN-HABITAT's work. This body meets regularly to develop a consolidated gender mainstreaming approach, methods, tools and instruments. It also has members who are the gender focal points in the three UN-HABITAT regional offices.

23. The women's network partners of UN-HABITAT are currently engaged in a wide range of activities to bring the concerns of grass-roots women including indigenous women, into public decision-making and policy at a variety of levels. Activities currently include the Grassroots Women's International Academy (GWIA) for peer-group learning among communities in the North and South, the "local-local dialogues" to activate grass-roots women's participation in local authority decision-making. To ensure that urban poor and especially indigenous women and men benefit from equal opportunities in access to land, housing and property, gender mainstreaming and the women's empowerment perspective are integrated in all UN-HABITAT programmes and activities. The Gender Policy Unit works closely with the Global Campaigns on Secure Tenure and Good Urban Governance.

### F. Risk and Disaster Management Programme

24. The Risk and Disaster Management Programme (RDMP) was created to marshal the resources of UN-HABITAT to provide local government, communities and business organizations with practical strategies for mitigating and recovering from conflicts and natural disasters.

25. With the largest operational budget of UN-HABITAT, RDMP field activities cover several disaster and conflict-affected countries. These activities inform ongoing tool and network development for vulnerability reduction in human settlements. The main activities of UN-HABITAT in this programme consist in supporting national Governments, local authorities and communities in strengthening their capacity to manage man-made and natural disasters through awareness raising. This applies both to the prevention and mitigation of disasters, as well as the rehabilitation of human settlements.

26. UN-HABITAT provides support to national Governments, local authorities and communities by fielding assessment and technical advisory missions to disaster-prone countries; strengthening coordination and networking among communities, NGOs, Governments and external support organizations in performing disaster-related activities and by developing techniques and tools for the management of disaster prevention, mitigation and rehabilitation. UN-HABITAT designs and implements training programmes, as well as supporting training activities executed by other agencies and field projects. It promotes horizontal cooperation among networking institutions, experts on disaster-related activities in human settlements; and

promotes the use of tools for disaster prevention, mitigation and preparedness in order to reduce the vulnerability of poor people including indigenous peoples to natural, man-made and technological disasters.

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## UNITED NATIONS CHILDREN'S FUND (UNICEF) AND INDIGENOUS ISSUES

### Background

1. The United Nations Children's Fund (UNICEF) was created by the United Nations General Assembly in order to help children in Europe after the Second World War. Today, operating in 161 countries and territories of the world, UNICEF is mandated by the General Assembly to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. Working together with national Governments, non-governmental organizations (NGOs) and other United Nations agencies, UNICEF strives to ensure that children are provided with the necessary basic social services and supplies and that policies and budgets are in the best interests of children.

2. UNICEF is governed by a 36-member Executive Board, members of which are elected each year by the Economic and Social Council from among States Members of the United Nations representing all regions of the world. The Board establishes its policies, reviews its programmes and approves budgets for the organization. Headquarted in New York, UNICEF carries out its work through seven regional offices (Abidjan, Amman, Bangkok, Geneva, Kathmandu, Nairobi and Panama City) and 126 country offices. In addition, in 37

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industrialized countries, National Committees for UNICEF have been established as non-governmental partners in the UNICEF family. The National Committees raise awareness about UNICEF's work, advocate for and educate about children's rights, and raise funds for the organization.

**Basis for work**

3. According to UNICEF's 1996 Mission Statement, UNICEF is guided by the Convention on the Rights of the Child and strives to establish children's rights as enduring ethical principles and international standards of behaviour towards children. In particular, UNICEF is committed to ensuring special attention and protection for the most disadvantaged children, giving priority to those countries in greatest need.

4. The principle of non-discrimination, as articulated in article 2 of the Convention on the Rights of the Child, is at the core of UNICEF's work. UNICEF recognizes that children experience discrimination in various forms, based on language, ethnicity, gender, disability, economic status, etc. Such discrimination may affect their access to education or health care, as well as limit their opportunities to develop and grow. The particular rights of indigenous children to enjoy their culture, practise their religion and use their own language are also protected, under article 30 of the Convention.

5. UNICEF has recently adopted its Medium-Term Strategic Plan, which lays out the priorities for the organization for the period 2002-2005. The substantive areas of work described in the plan are: immunization plus, integrated early childhood development, girls' education, HIV/AIDS and child protection. Cutting across these areas are the principles of non-discrimination, best interests of the child and children's participation in decisions that affect them. Within the framework of this plan, UNICEF will strive to uncover disparities and all forms of discrimination, understand their root causes, and contribute to solutions which will allow every child to enjoy all of his/her rights.

**Recognition of indigenous issues**

6. UNICEF has been working with indigenous peoples in a number of countries, especially in South America, for many years. However, the adoption of a human rights-based approach to programming has encouraged a specific focus on the marginalized and excluded, including indigenous communities, by UNICEF country offices worldwide. UNICEF situation analyses have shown that almost everywhere in the world, where figures are available, indigenous peoples are reported to be among the most disadvantaged. High proportions live in poverty, some in extreme poverty. Rates of infant mortality among indigenous communities are frequently much higher than those of the population at large and access to health care is limited. Primary school enrolment is often low and many communities lack adequate housing, water and sanitation facilities. Opportunities for indigenous peoples to have access to policy makers and decision-making processes are insufficient, and questions of cultural development, education and health are often left unaddressed. UNICEF recognizes that all of these issues are essential to protecting the rights and ensuring the well-being of indigenous children.

**Programme activities**

7. In response to the many challenges facing indigenous communities, UNICEF supports a wide range of programme activities designed to improve the situation of indigenous children and ensure better respect for their rights.

8. In the area of **education**, UNICEF supports programmes to promote enrolment in and completion of primary school among indigenous children in Brazil, Colombia, Guyana, Mexico, Panama, Paraguay, Peru, Venezuela, Malaysia and Namibia. Specific bilingual and multicultural education programmes are under way in Bolivia, Brazil, Ecuador, Guatemala, Panama and Venezuela. For example, in Brazil UNICEF supported a programme to teach Yanomami children in northern Roraima to read and write in their mother tongue, and in Sao Gabriel de Cachoeira in Amazonas, the primary education curriculum has been adapted for use with indigenous groups and reaches 3,000 children. In Bahia, Brazil, UNICEF supported the Indigenous Education Forum to encourage debate about indigenous education by civil society, universities and the state secretariat of education. In Namibia, 2001 marked the start-up phase of a project to address the educational exclusion of San children in the Omaheke administrative region. The project aims to integrate San children into the mainstream system by training San community resource persons who mediate in cases of conflict, assist parents with school enrolment formalities and follow up on cases of dropout.

9. **Integrated early childhood development** programmes are a part of UNICEF programming for indigenous people in Brazil, Suriname (Caribbean Area Office), Namibia, Paraguay, Peru and Venezuela. UNICEF contributes towards the provision of **basic services** for indigenous populations in such countries as Argentina, Suriname, El Salvador, Peru and Venezuela. In El Salvador, the PROMAYA project supplied latrines, potable water, educational materials and training in primary health care. In the Caribbean Area, the Suriname Integrated Area-Based Programme serves 53,000 indigenous Amerindians and Maroons living in the Amazon basin, providing basic services and building capacity. In Argentina in 2000, work began in two indigenous communities in the province of Neuquen, in the south-west, to provide drinking water and install sewer systems in households and schools.

10. **Health, immunization and nutrition** programmes for indigenous people are part of UNICEF programmes in Bolivia, Guyana, Panama, Paraguay, Peru and Venezuela. In 2000 in Panama, UNICEF helped reduce the prevalence levels of iodine deficiency in the indigenous zone of Azuero from 22 per cent to 11 per cent. In 2001 in Peru, videos on healthy and safe motherhood using indigenous actors were produced for use with the indigenous Andean and Amazon population. In 2000, the Guyana country office carried out efforts to improve immunization coverage in four regions inhabited by indigenous peoples. In Paraguay, UNICEF continued efforts begun in 2000 to adapt community-based Integrated Management of Childhood Illness (IMCI) strategies for use by indigenous health promoters in Amambay and Concepción. Based on these experiences, UNICEF supported the establishment of an inter-institutional committee on indigenous health and a major consultation with indigenous leaders, concluding with an agreement to continue to develop adaptations needed to ensure indigenous people's access to health services. In Venezuela in 2001, over 3,000 people from 23 indigenous communities and four different ethnic groups received medical attention from doctors and nurses brought to the communities by boat.

11. Other countries, including Argentina, El Salvador and Malaysia, have supported the training of traditional birth attendants (TBAs) and health service agents for indigenous communities. In Malaysia UNICEF trained primary health-care workers, TBAs and traditional healers working with Orang Asli at district level.

12. **Indigenous women** are a particular focus of UNICEF support in several countries, including Bolivia, Colombia, Ecuador, El Salvador, Guatemala, Peru and the Philippines. In Ecuador, under the framework of Gender Policies Toward the Year 2002, activities provide legal protection and deliver services for indigenous women involved in cases of domestic violence. In the Philippines, UNICEF has supported female functional literacy classes for mothers. Training materials have been translated into five major dialects for coverage among indigenous and marginalized groups. UNICEF and its partners have also begun to address gender disparities in the indigenous mountain regions of the north and in southern Philippines by developing girl-friendly school initiatives. In Colombia, UNICEF supported workshops on indigenous rights and gender equity for 235 women and 80 men. It is believed that as a result, there has been a noted reduction in intra-family violence and an increase in denouncements of mistreatment and abuse.

13. **Advocacy for child rights** is central to UNICEF's support to indigenous peoples, as confronting discrimination is a first step towards respect for human rights. In Venezuela, UNICEF supports the annual Convivencia de Niños and Niñas Indígenas (Meeting of Indigenous Boys and Girls), which takes place during the international week of the indigenous, a cultural exchange organized by the Network of Wayuu women in Zulia State. UNICEF introduced child rights as a main theme of the event. In Thailand, following a recommendation of the Committee on the Rights of the Child, UNICEF supported dissemination of indigenous-language versions of the Convention and the production of child rights audio tapes for the highland communities in the north of the country. In Venezuela, UNICEF supports a multilingual community-based radio station, including the training of indigenous people as local correspondents. Broadcasts promote community participation and awareness of children's rights. In Viet Nam, through its Mai Communication Initiative, UNICEF has produced materials, newspapers and animated films in indigenous and minority languages to teach children about their rights and other important issues.

14. **Policy reform** is also recognized as a critical element in improving the lives of indigenous peoples. In Peru, UNICEF reviewed national laws in terms of discrimination against children of indigenous people, providing legal and technical advice to the Senate and the House of Representatives. A new area of action for UNICEF cooperation in Ecuador is within the framework of the National Dialogue agreed upon between indigenous and *campesino* organizations and the Government. UNICEF supported the elaboration of proposals on fiscal reform and social spending, social policies and the public budget and the situation of indigenous people's access to education and health. At the regional level in Latin America, UNICEF organized a Meeting on Indigenous Children to exchange experiences on the formulation of public policies to benefit indigenous children, which was attended by representatives from seven countries of the region.

15. **Studies** are being carried out in a number of country offices in order to get the information needed to determine the specific situation of indigenous children and women. Data collection and analysis on disparities and discrimination, by including data disaggregated by gender, geographic location, poverty status, culture/ethnicity and other locally relevant categories, is key to this process. The studies include a study of Mayan traditions and perceptions about work and education in Guatemala, a community survey of 11 Amazon villages in Guyana, a study on culturally appropriate integrated educational strategies for children of indigenous people in the Philippines, the incidence of maternal mortality in three rural states with large indigenous populations in Mexico, and research on the child-raising practices of the indigenous population in Ecuador.

**Working with UNICEF**

16. The best way to learn more about the activities of UNICEF and identify potential areas for collaboration is to contact the UNICEF office in your country. (See www.unicef.org for office contact details.) As UNICEF is a decentralized organization, it is at the country level that decisions are taken with regard to specific programme activities and partners. Offices are generally staffed by a mix of international and national professionals, with an international person as Representative (head of the office). While the country programme of cooperation is between UNICEF and the Government, many UNICEF-supported activities within that programme are carried out in partnership with NGOs.

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# REVIEW OF ACTIVITIES OF THE UNITED NATIONS SYSTEM RELATING TO INDIGENOUS PEOPLES: AN INTERACTIVE DISCUSSION

**Information received from the United Nations system**

## UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP) AND INDIGENOUS ISSUES

### I. BACKGROUND AND CONTEXT

1. The United Nations Development Programme (UNDP) is a United Nations organization which promotes and supports programmes for sustainable human development. It is the principal provider of development advice, advocacy and grant support to developing countries of the United Nations. With 132 country offices worldwide, the UNDP commitment to a universal presence has proven especially useful in post-conflict situations and with States that had otherwise been isolated from the international community.

2. In September 2000, at the United Nations Millennium Summit, world leaders pledged to reduce the proportion of peoples living in poverty by half by the year 2015. Moreover, the Secretary-General, and the results of a high-level ministerial meeting, affirmed the leading role of UNDP in the United Nations initiatives in achieving this goal.

3. UNDP provides developing countries with knowledge-based consulting services and builds national, regional and global coalitions for change. It works in partnership with Governments, United Nations specialized agencies, civil society organizations (CSOs) and private-sector institutions to implement economic and social development programmes. Its areas

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of specialized expertise are in democratic governance, pro-poor policies, energy and environment, peace-building and disaster mitigation, HIV/AIDS, and information and communications technology. UNDP also engages in extensive advocacy work on poverty issues. Its widely cited *Human Development Report* stimulates international and national debate on key development issues ranging from poverty and globalization to human rights.

4. Improving partnerships is another key element of the UNDP mandate for the future. As stated by UNDP Administrator Mark Malloch Brown, partnership amongst development actors is a precondition for development effectiveness. The challenge for UNDP is to move the institution into a highly networked organization which creates new development opportunities through strategic partnerships. In doing so, UNDP is seeking to build stronger partnerships with civil society and indigenous peoples and their organizations as a basis for promoting alternatives to conventional development thinking.

5. UNDP engagement with indigenous peoples at the country level is extensive. Since the inauguration of the International Year for the World's Indigenous People in 1993, many of the UNDP small grant programmes and regional and nationally executed programmes have involved indigenous peoples' communities. These initiatives have focused on poverty eradication, environmental conservation, conflict prevention and resolution, and cultural revitalization. In addition, UNDP supported projects under the Indigenous Knowledge Programme (IKP) whose main objective was to promote indigenous knowledge and protect indigenous intellectual property through targeted capacity building and direct support for projects formulated and implemented by indigenous peoples' organizations (IPOs).

6. UNDP support of and commitment to policy formulation for indigenous peoples and the promotion of indigenous knowledge in the development process also began in 1993 and was set forth in its 1994 publication, *Conserving Indigenous Knowledge: Integrating Two Systems of Innovation,* published by RAFI (Rural Advancement Foundation International). Furthermore, between 1994 and 1995 UNDP funded a series of regional consultations with IPOs on support to the preservation of indigenous peoples' knowledge and the protection of indigenous intellectual property. The objective was to identify the strategies and means of promoting and protecting indigenous knowledge, intellectual and cultural property, and customary practices.

7. Coinciding with the midpoint of the International Decade of the World's Indigenous People (1995-2004), UNDP reactivated its indigenous peoples portfolio in 1999. UNDP conducted internal and external stocktaking processes aimed at assessing UNDP status in regard to its engagement with indigenous peoples and in relation to the activities of other multilateral and bilateral agencies, and held two consultations aimed at discussing indigenous peoples' priority issues, the UNDP comparative advantage and ways to build a partnership with IPOs based on trust and confidence, and to raise the awareness of UNDP staff on indigenous peoples' issues. These studies and consultations laid the groundwork for the development of a policy guidance note entitled "UNDP and indigenous peoples: a policy of engagement", endorsed in August 2001 and launched at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa.

## II. GLOBAL PROGRAMMES

### Small grants programmes

8. Much of UNDP support at the country level to indigenous peoples is channelled through small grant programmes. The grants tend to be of small amounts ranging from US$ 5,000 to US$ 100,000. These programmes, like the Global Environment Facility Small Grants Programme (GEF/SGP), seek to promote consensus building and participatory decision-making processes. They are designed and implemented in a decentralized manner, and participatory management structures are an integral component of these kinds of initiatives. Each programme is required to help form a National Selection Committee (NSC) with representatives from CSOs, Governments and UNDP. NSCs have the authority and responsibility for the overall coordination of programme activities and formulation of criteria for project selection. NSCs offer country offices an opportunity to conduct a dialogue with NGOs and community-based organizations (CBOs) actively involved in grass-roots development.

9. GEF, a programme to help developing countries protect the environment, primarily aims at protecting biological diversity. In part through GEF, UNDP can jointly address indigenous peoples and biodiversity. GEF/SGP, launched in 1992 by UNDP, is designed to address the needs of local communities. It provides grants and other support to community-based groups for activities that address local problems related to the GEF areas of concern.

10. In Guatemala, for example, a GEF/SGP project on alternative conflict resolution and environmental mediation aims to provide local community leaders, indigenous peoples' representatives, and government and municipal authorities with access to innovative and alternative methods of socio-environmental conflict resolution. Workshops have brought various stakeholders together. Training manuals have been translated into the native languages of the indigenous peoples. This project is an example of how GEF/SGP provides positive anti-discriminatory support through training on alternative methods of conflict resolution to different stakeholders in a protected area where indigenous peoples are in a weak position and discriminated against by the national system (in education, understanding of legal mechanisms, etc.).

11. In Nepal, an alpine biodiversity conservation project is based in Jumla district, a week's walk from the capital. The average life expectancy in Jumla is 44 years, which is 11 years less than the national average. The project supports the indigenous peoples of the Kami community. The project seeks to conserve the rare and highly valued medicinal plants, as natural resources exploitation is a main problem, with plants being a major export commodity. The project also aimed to create livelihoods through a revolving fund, planting medicinal herbs, and capacity-building. In this case GEF/SGP, under an alpine conservation project, is also providing alternatives to this very remote and disadvantaged community, which is defined by the mainstream as "untouchable".

### HURIST programme

12. The Human Rights Strengthening (HURIST) programme, a joint initiative of UNDP and the Office of the High Commissioner on Human Rights (OHCHR), is currently entering its

second phase. Among its objectives is to develop partnerships with indigenous peoples and their organizations. This marks an important step towards implementing the new UNDP policy on engagement with indigenous peoples. Three pilot programmes focusing on building the capacity of IPOs are to be designed over the next two years.

**The Indigenous Knowledge Programme**

13. In 1994 UNDP collaborated with the Indigenous Peoples Biodiversity Network to create IKP with support from the International Development Research Centre, the Swiss Development Cooperation, the Government of Norway, and the Ministry of Foreign Affairs of Denmark. It was a global programme partially funded by UNDP, but executed by local NGOs and CBOs. An evaluation of IKP underlining lessons learned was conducted in 2000.

14. UNDP supported three projects: two in Malaysia and one in South America. The project in Borneo, Malaysia, involved the adaptation and the continuation of the practice of traditional agricultural systems based on indigenous knowledge and innovations to serve the needs of today's community. The second, the Putan Project for Communal Forest Conservation, was an agro-forestry project aimed at improving the quality of life of the longhouse communities by protecting the forest and land from the encroachment of logging companies, plantation schemes or neighbouring communities. The South American project took place in the Amazonian forest of Yana Yacu Sacha in Ecuador. Its aim was to recover and develop indigenous knowledge for the conservation of the ecosystems and biodiversity of the forest. It was successful in creating a sustainable development model based on traditional indigenous knowledge in the Amazon.

## III. REGIONAL AND NATIONAL PROGRAMMES

15. UNDP also supports indigenous peoples in its regional and nationally executed development programme activities. Many of these programmes have tended to focus on one or more of the following areas: improvement of living standards, economic and technological development, preservation of natural resources and environmental conservation, and conflict prevention.

**Regional programmes**

16. A good example of a UNDP regional programme is the Southeast Asian Regional Programme: Highland Peoples' Programme (HPP) that covered four different countries in the Mekong Sub-Region, Thailand, Cambodia, the Lao People's Democratic Republic and Viet Nam, where at least 11 million indigenous people live. The programme worked closely with IPOs and focused on poverty reduction by applying a participatory, decentralized and localized bottom-up approach to the development of an area with indigenous peoples. It established exchange mechanisms and procedures to encourage dialogue and the sharing of experiences and information between multiple stakeholders, i.e. Government and IPOs, regarding highland peoples' development at regional, national and local levels. The programme made substantial achievements in terms of capacity building in highland communities and the government support structure and, in addition, contributed to policy-making. In Cambodia, HPP focused on support to the Inter-Ministerial Committee and the development of policy guidelines

for highland peoples' development. The formulation of guidelines took place with wide participation from the grass roots level to the central level, as well as with regional input. The guidelines, though, remain to be approved by the Government.

17. In efforts to implement the newly endorsed UNDP policy of engagement with indigenous peoples, a regional programme is being developed that builds on the prior work of HPP. Its focus will be on strengthening policy dialogue on indigenous peoples' rights and development and will encompass a number of other indigenous peoples besides highland peoples in the region. Such a region-wide initiative aims at continuing the work of the second phase of HPP, which centred on the right to development, albeit in a more integrated capacity and addressing the holistic aspects of the right to development. Moreover, this reformulated initiative has received added impetus from the Millennium Declaration urging countries to focus and intensify efforts to halve the proportion of peoples living in poverty by the year 2015. Given that poverty remains a persistent obstacle to the development of indigenous peoples, a specific focus on poverty reduction strategies vis-à-vis such groups is of particular significance at this point in time.

18. Three general areas of concern are to be tackled. They are: (a) issues with respect to ownership and use of land and natural resources, including related issues of environmental management; (b) cultural autonomy, including issues of language, education, and protection of cultural and intellectual property; and (c) participation in formal decision-making processes of the State, particularly with respect to development, which also invokes issues of citizenship.

**National programmes**

19. National programmes focusing on conflict prevention and peace building in Guatemala and the Philippines illustrate how UNDP provided the space to negotiate and facilitate peace processes in different regions.

20. In Guatemala, after 36 years of human insecurity, repression, social exclusion and lost opportunities, CSOs and IPOs played an active role in negotiating peace by promoting informal linkages between the opposing parties and helping to define the major issues and build consensus. UNDP supported the establishment of the Civil Society Assembly charged with discussion of the substantive issues, formulation of specific proposals based on consensus, and review of the peace agreements. UNDP ensured that space was created so that the perspectives of indigenous peoples and their organizations were brought to national attention. The Assembly helped to overcome distrust, promote broad participation and move the country away from confrontation.

21. In the Philippines, after the enactment of the 1997 Indigenous Peoples' Rights Act (IPRA), local feuds over land ownership broke out among residents in ancestral domain areas of the Cordillera region. Women, using indigenous knowledge systems, emerged as leaders in settling disputes, forming the Pan-Cordillera Women's Network for Peace and Development. UNDP and this network helped to train women volunteers to lead community groups, as well as local government units to prepare development plans for their ancestral domains. The volunteers played a lead role in mapping boundaries and fostering peace pacts among communities.

## IV. UNDP AND INDIGENOUS PEOPLES: A POLICY OF ENGAGEMENT

22. The lessons learned from country and regional engagement together with global and regional consultations with IPOs fed into and informed the new UNDP policy of engagement on indigenous peoples. Underpinned by the international human rights framework, the policy recognizes indigenous peoples' rights and their vital role and contribution to development.

23. Rooted in the goals articulated at the Millennium Summit, the objective of the policy is to guide the work of UNDP in building sustainable partnerships with indigenous peoples and their organizations so as to reduce poverty and attain peace. More specifically, these partnerships are aimed at fostering an enabling environment that: promotes indigenous peoples' participation in all decision-making levels; ensures the coexistence of their economic, cultural and socio-political systems with others; and develops the capacity of Governments to build more inclusive policies and programmes. The policy also addresses the debilitating incidence of human poverty in most indigenous communities as a visible evidence of discrimination (unequal access to productive resources and basic social services), if not exclusion. Issues related to ownership and use of land and natural resources, education and health, protection of cultural and intellectual property, and participation are to be tackled in the context of poverty reduction strategies that fully take into account the rights of indigenous peoples.

24. The rationale for UNDP engagement with indigenous peoples and their organizations is grounded in UNDP's mandated areas of work, processes and agreements of development cooperation, and the aspirations of indigenous peoples. The UNDP coordinating role at the country level, its human development paradigm, advocacy of democratic governance and policy of mainstreaming human rights positions make it a key partner for pursuing a more holistic approach to development. Moreover, the UNDP country and regional presence and the relationship of trust it has with Governments and civil society partners enables UNDP to play a unique role in bringing together different stakeholders in development processes. This mandate can serve as a critical entry point and foundation for supporting more inclusive development policies and programmes, brokering dialogues with all actors, facilitating participatory approaches, and creating the political space for alternative views to be shared.

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If you would like more information on any of the UNDP activities relating to indigenous peoples, please contact either the UNDP country office in your country or the CSO Team in the Bureau for Resources and Strategic Partnerships (BRSP) at UNDP headquarters in New York at:

CSO Team
Bureau for Resources and Strategic Partnerships
United Nations Development Programme
One United Nations Plaza
New York, NY 10017 USA

Website: http//www.undp.org
Tel: (212) 906-5316
Fax: (212) 906-5152

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# REVIEW OF ACTIVITIES OF THE UNITED NATIONS SYSTEM RELATING TO INDIGENOUS PEOPLES: AN INTERACTIVE DISCUSSION

**Information received from the United Nations system**

## OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR): PROTECTION OF REFUGEES WHO ARE INDIGENOUS PEOPLE

**Summary**

1. UNHCR's main function is to provide international protection to refugees and to find durable solutions for them. Among the world's refugees are also individuals belonging to indigenous peoples, who can no longer rely on their own State for protection. As part of its international protection mandate, UNHCR is also tasked with overseeing the implementation of international refugee instruments.

### UNHCR's mandate

2. Most people can look to their own Government to guarantee and protect their human rights and security. But when a State is unwilling or unable to provide national protection to its citizens, people may be forced to flee to seek safety in another country. The 1951 Convention relating to the Status of Refugees defines a refugee as a person who is outside his/her own

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country "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion". UNHCR provides international protection and assistance to some 22 million people, including refugees, returnees (former refugees), internally displaced persons and stateless persons around the world.

3. The 1951 Convention was initially conceived to protect the hundreds of thousands of persons displaced during the Second World War and its immediate aftermath, and applied only to persons in Europe who had become refugees prior to 1951. Yet in the decades that followed, the refugee crisis spread throughout the world, and it became clear that an international legal framework was required to protect all refugees. A 1967 Protocol to the Convention removed the temporal and geographic limitations of the 1951 Convention, extending the Convention's provisions to all persons who fall within its definition. To date, 143 States are party to the Convention and/or its Protocol.

**The link between indigenous peoples and refugees**

4. Inter-ethnic and interracial tensions and conflicts have erupted in nearly every region of the world. These conflicts are often rooted in power struggles and are aggravated by socio-economic inequalities. National, ethnic and religious minority groups are often vulnerable in such situations, and indigenous peoples are among the persons who flee their countries for fear of persecution. At the same time, many indigenous communities in different parts of the world have hosted thousands of refugees seeking safety.

5. There is a relationship between human rights abuses and forcible displacement. The social, political and economic subordination of indigenous peoples in most parts of the world makes them more vulnerable to violations of human rights. In many cases they have been forced to leave their homes and land because of persecution. For example, over 200,000 Guatemalans, the majority of them indigenous peoples, left their country in the early 1980s, fleeing civil war, serious human rights abuses and a counter-insurgency campaign. Amongst the most prominent refugees in history is Nobel peace prize laureate Rigoberta Menchú, whose contribution to the cause of indigenous peoples' rights continues to set an example.

6. It is in the context of UNHCR's international refugee protection mandate that indigenous peoples as a specific group are of concern to the Office, in other words, when they constitute either an existing or potential refugee population. Special attention has been given to certain characteristics of indigenous refugees in assistance and repatriation programmes. These include the special attachment that indigenous refugees hold to their own lands and place of origin; the often cohesive socio-economic and cultural structure of the community; and the desire to maintain their own language, culture and traditions, as well as a sense of autonomy, during their stay in refugee camps and settlements.

7. UNHCR generally encourages refugees to become actively involved in the planning and implementation of assistance programmes. In many instances indigenous refugees have done so, and thus ensured that assistance and repatriation programmes suit their needs and traditions. Sometimes they have continued with their own patterns of economic livelihood, social structure and political leadership alongside those introduced by Governments or assistance agencies.

8. UNHCR, as part of the United Nations, is fully committed, in accordance with its mandate, to cooperate with the Special Rapporteur and the Permanent Forum on Indigenous Issues.

**UNHCR's international protection response**

9. UNHCR's primary role is to provide international protection to persons who were forced to flee their country of origin. The Office works with Governments and other actors to ensure that the international standards of refugee protection contained in the 1951 Convention, its 1967 Protocol and in various regional instruments, including the 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa and the 1984 Cartagena Declaration on Refugees, are respected. Among the most important rights UNHCR tries to protect is the fundamental right not to be forcibly returned to a territory where the refugee's life, liberty or physical safety may be threatened. The Convention also requires non-discrimination in the application of its provisions and guarantees a certain standard of treatment in relation to education, housing and employment.

10. To ensure universal application of the Convention and, therefore, the greatest protection for refugees, UNHCR also promotes accession to the 1951 Convention, its 1967 Protocol and regional refugee instruments.

11. When UNHCR is active in the country of origin, whether to conduct voluntary repatriation operations or to protect internally displaced persons under certain circumstances, it has often been engaged in specific protection and assistance activities for minority groups, including indigenous peoples. For more details on such operations, please refer to the UNHCR web site: www.unhcr.ch.

**Indigenous peoples and the problem of statelessness**

12. Indigenous peoples might also be affected by problems of statelessness, sometimes as a result of discriminatory nationality legislation, sometimes because of differences in nationality laws in the various States to which an indigenous group may have ties, and frequently because of misconceptions concerning what constitutes nationality.

13. Under the 1954 Convention relating to the Status of Stateless Persons, a person is "stateless" when he/she is not considered a national under the laws of any State. To be stateless is often to be unable to enjoy the array of rights that are granted without question to nationals, such as the rights to education, work, travel and health care. UNHCR acts as an intermediary between States and stateless persons in securing the standards of treatment for stateless persons set forth in the 1954 Convention and in urging States to provide or maintain nationality for persons who would otherwise be stateless through the provisions of the 1961 Convention on the Reduction of Statelessness. Unfortunately, as of January 2002, only 54 States were party to the 1954 Convention and only 26 were party to the 1961 Convention.

14. UNHCR's activities to prevent and reduce the incidence of statelessness include promoting accessions to the two conventions on statelessness and providing technical and advisory services to States on their nationality legislation and practice. UNHCR assists stateless persons by verifying whether they are, indeed, stateless and working with national authorities to resolve their legal status.

**Human rights and peace education**

15 Providing human rights and peace education to refugees is one way of reducing racial and ethnic tensions and thereby preventing human rights abuses and refugee flows. UNHCR has a very comprehensive peace education programme for both formal schools and non-formal (community) education. It is currently operating in seven countries in Africa with several other countries undertaking the preliminary work to start the programme. The programme concentrates on the skills and behaviours associated with constructive non-violent behaviour as a way of dealing with problems before they become conflicts. Currently more than 200,000 schoolchildren have access to the programme, either through standard classes each week or through extra-curricular activities. In addition, more than 1,000 youth and adults undertake the community programme each month in each of the seven countries. The UNHCR programme has recently become an inter-agency one through the Inter-Agency Network for Education in Emergencies (INEE). It is hoped that this kind of programme will foster respect for the human rights of all persons and in this way contribute to minimizing the violence associated with refugee flows.

**Further information and contacts**

16. The headquarters of the Office of the United Nations High Commissioner for Refugees is in Geneva and UNHCR offices are found in most countries around the world. Addresses of UNHCR country offices can be found on the UNHCR web site: www.unhcr.ch. The web site also contains an extensive database, called REFWORLD, which contains international and national legal texts related to refugees, as well as other documentation.

The address of UNHCR headquarters is:

Office of the United Nations High Commissioner
for Refugees
Case postale 2500
CH-1211 Geneva 2
Switzerland
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E-mail: webmaster@unhcr.ch

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**Information received from the United Nations system**

## WORLD TRADE ORGANIZATION (WTO) ACTIVITIES RELATING TO INDIGENOUS PEOPLES

1. WTO is an intergovernmental organization dealing with the rules of trade between nations. At its heart are the WTO agreements, the legal ground-rules for international commerce and for trade policy. These rules cover trade in goods, trade in services, and trade-related aspects of intellectual property.[1] The rules on IP rights are contained in the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement), which is an integral part of the Marrakech Agreement establishing the World Trade Organization (the WTO Agreement). The Agreement is administered by the Council for TRIPS, open to all members, which reports to the WTO General Council.[2]

2. The WTO held its Fourth Ministerial Conference in Doha, Qatar, in November 2001. At the Conference, ministers agreed to launch the Doha Development Agenda. The Doha Ministerial Declaration provides the mandate for negotiations on a range of subjects and other work. It covers issues concerning the implementation of the above agreements. The negotiations take place in the Trade Negotiations Committee and its subsidiary bodies. Other activities under the work programme takes place in other WTO councils and committees. These bodies are open to all WTO member Governments and certain observer Governments and intergovernmental organizations. Ministers also adopted a Declaration on the TRIPS Agreement and Public Health and a decision on Implementation-Related Issues and Concerns.[3]

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3. A part of the agenda that may be of particular interest for indigenous communities is the work that concerns traditional knowledge and folklore and the relationship between the TRIPS Agreement and the Convention on Biological Diversity (CBD). Paragraph 19 of the Ministerial Declaration instructs the TRIPS Council, in pursuing its work programme, including under the review of article 27.3 (b) and the review of the implementation of the TRIPS Agreement under its article 71.1 and the work foreseen in relation to implementation related issues, to examine, among other things, the relationship between the TRIPS Agreement and CBD and the protection of traditional knowledge and folklore. In pursuing these and other matters set out in the Doha Declaration, the TRIPS Council is to be guided by the TRIPS Agreement's objectives (art. 7) and principles (art. 8) and must also take fully into account the development dimension. Paragraph 32 of the same Declaration instructs the Committee on Trade and Environment, in pursuing work on all items on its agenda within its current terms of reference, to give particular attention to the relevant provision of the TRIPS Agreement. Work on this issue should include the identification of any need to clarify relevant WTO rules.

4. Articles 27.3 (b) and 71.1 are part of the so-called built-in agenda on which the TRIPS Council has been working for some time. Article 27.3 (b) provides for a review of its provisions which concern certain exemptions from patentability relating to plant and animal inventions and the protection of plant varieties. Article 71.1 requires the Council to review the implementation of the Agreement after the end of the general transition period for developing countries, i.e. the year 2000. In these contexts, the issue of protection of genetic resources, traditional knowledge and folklore, including those of indigenous peoples, has been under discussion in the TRIPS Council since the end of 1998. Views have been expressed by members on the present provisions of article 27.3 (b), including on their relation to the protection and use of biodiversity, and on possible changes to these provisions that might be considered. Factual information on activities of relevance has been obtained from other intergovernmental organizations, namely the World Intellectual Property Organization, the Food and Agricultural Organization of the United Nations, the Secretariat of the Convention on Biological Diversity and the International Union for the Protection of New Varieties of Plants.

Notes

[1] Information on the WTO can be found at its web site at *http://www.wto.org*.

[2] More information on the TRIPS Agreement can be found at the WTO website's TRIPS gateway page at *http://www.wto.org/english/tratop_e/trips_e/trips_e.htm*.

[3] A gateway to WTO information on the agenda set by the Doha Ministerial Conference can be found at *http://www.wto.org/english/tratop_e/dda_e/dda_e.htm*.

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# REVIEW OF ACTIVITIES OF UNITED NATIONS SYSTEM RELATING TO INDIGENOUS PEOPLES: AN INTERACTIVE DISCUSSION

**Information received from the United Nations system**

## THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION AND INDIGENOUS PEOPLES

1. The guidelines and objectives of the International Decade of the World's Indigenous People (1995-2004) are incorporated into UNESCO's action today which is aimed at promoting cultural diversity amidst the challenges of globalization, in order to preserve the tangible and intangible aspects of indigenous heritage and cultural resources so that indigenous peoples can hand them down to future generations, and also at encouraging dialogue among cultures and civilizations. Indigenous peoples and cultures with their traditional and local knowledge are, indeed, very vulnerable and one of UNESCO's essential tasks is to preserve their unique character. The Organization's work at present consists in interpreting, relaying and implementing, in its fields of competence, the guidelines for the Decade, in close consultation with the agencies of the United Nations system, indigenous people and governmental and non-governmental organizations.

2. Within the framework of the International Decade of the World's Indigenous People, the action of the Division of Cultural Policy draws its inspiration from the Declaration of Mexico on Cultural Policy of 1982, the report of the World Commission on Culture and Development Our Common Diversity (UNESCO, 1996) and the plan of action on cultural policy and development adopted by the Stockholm Conference in 1998. It may also be noted that the UNESCO Universal Declaration on Cultural Diversity and its plan of action, adopted by the thirty-first session of the General Conference, constitutes a major contribution by UNESCO

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to the Decade and a concrete framework for interdisciplinary action in line with the aspirations of indigenous communities in the world, in particular in the area of defence of cultural pluralism. Indeed, on the strategic level, the protection of the cultural identity of indigenous people will be a major theme in UNESCO's activities, especially for the culture programme, not only in connection with the Decade but beyond, during the entire period of the Draft Medium-Term Strategy for 2002-2007. In fact, in line with its strategic objective, "Protecting cultural diversity and encouraging pluralism and dialogue between cultures and civilizations", UNESCO will have to contribute to the international debate on the rights and heritage of indigenous people and also their cultural rights. As regards the Draft Programme and Budget for 2002-2003, which almost corresponds to the last implementation phase of the Decade, one of the main lines of action of the culture programme will be the "Construction of cultural pluralism and strengthening of action in favour of indigenous peoples", from which the chief results expected are, on the one hand, the strengthening and the expansion of the existing networks between indigenous communities and local and national institutions, research centres, universities and NGOs and, on the other, the implementation of intersectoral pilot projects promoting sustainable development for indigenous people. UNESCO must pursue its efforts with the entire United Nations system to promote the involvement of indigenous people in the formulation of national cultural policies, paying particular attention to cultural rights issues. The approach developed by UNESCO to respond to the problems and the expectations of indigenous people must be based on respect for their holistic concept of the world, in which development includes education, the sciences, culture and communication. The Organization will seek, in an intersectoral effort, to promote the strengthening and enhancement of the identity of indigenous communities and to foster a sense of belonging to a multicultural citizenship. While strengthening the links and synergies which exist between its various fields of competence, in order to come closer to indigenous realities, UNESCO will promote:

(a) The adoption of national cultural policies which highlight the cultural resources of indigenous people and acknowledge their cultural rights;

(b) The protection of indigenous heritage, especially intangible heritage;

(c) The active participation of the communities in the management of sites, specifically World Heritage sites and holy sites;

(d) The provision of education incorporating indigenous languages in the curricula;

(e) The participation of members of the communities in democratic bodies at the local and national levels;

(f) The provision of media infrastructure and communication facilities tailored to their needs;

(g) Recognition of the importance of the traditional knowledge at the heart of indigenous lifestyles and the establishment of links between indigenous and scientific knowledge aimed at sustainable development. For example, the implementation of the project "Local and indigenous knowledge systems (LINKS) in a global society" (draft document 31 C/5, para. 02411), whose principal content and focus relate to the natural sciences, was devised

through an intersectoral and interdisciplinary approach within the two cross-cutting themes. The aim of this project will be to promote recognition of local and indigenous knowledge, i.e. sophisticated sets of understandings, interpretations and meanings possessed by communities with long histories of interaction with the natural environment, as a powerful resource for combating marginalization and impoverishment.

3. Notwithstanding everything that remains to be done, a review of the Decade's activities to date seems to show that the international community's efforts have led to encouraging results. In fact, national political authorities and civil society are more clearly aware of the aspirations and the needs of indigenous people. The assets, traditional knowledge, forms of cultural expression and cultural values of these communities have been recognized, assessed and highlighted. Several indigenous language academies have emerged and basic education provided in indigenous languages has been admitted into the school system in a number of countries. In this connection, teaching materials have been developed by indigenous specialists themselves. UNESCO is seeking to further this action by basing it on an overall concept of sustainable development. In fact, it considers that it is possible to make a case both for the broadest possible access of these populations to modernity - facilitated by the new technologies - and for the preservation and the dissemination of traditional knowledge, the source of this modernity. On the one hand, the new information and communication technologies contribute to the promotion and the visibility of the heritage of living indigenous cultures. On the other hand, traditional knowledge, forms of cultural expression and indigenous languages do not only represent a legacy from the past; they also embody an essential support for identity and memory, thereby providing innovative solutions for development for the future. Indigenous people, who number about 300 million in more than 70 countries on all continents and represent more than 5,000 languages and cultures, will thus be making a significant contribution to the wealth of the world's cultural diversity.

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# REVIEW OF ACTIVITIES OF THE UNITED NATIONS SYSTEM RELATING TO INDIGENOUS PEOPLES: AN INTERACTIVE DISCUSSION

**Information received from the United Nations system**

## WORLD HEALTH ORGANIZATION (WHO) ACTIVITIES ON THE HEALTH OF INDIGENOUS AND TRIBAL PEOPLES

### Introduction

1. In the context of the International Decade of the World's Indigenous Peoples, a number of resolutions have been adopted by the World Health Assembly requesting action throughout all levels of the organization. Key among these are resolution 51.24, adopted in 1998, which called on the WHO secretariat to report annually on progress on indigenous health initiatives; resolution WHA 53.10, adopted in May 2000, calling for the creation of both global and regional plans of action, based where feasible on the recommendations made by indigenous participants at the International Consultation on the Health of Indigenous Peoples held at WHO in November 1999; and the most recent, resolution WHA 54.16 of May 2001, requesting WHO to prepare an outline for a global strategy on indigenous health for consideration by the Assembly at the May 2002 session.

2. Work on indigenous and tribal peoples' (ITP) health should be seen in the context of two main themes which currently inform all WHO's work in line with international development goals. These are the themes of equity in health, and of poverty reduction. Together, these themes seek to assist member States in providing equitable health outcomes across all population groups, and provide the broad health and development framework in which issues of health and ethnicity are addressed.

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**Indigenous health: a brief overview**

3. Systematic and reliable information on the health and demographic status of indigenous and tribal peoples is scarce, and even in industrialized countries where considerable health research has taken place, a consistent national picture is often hard to obtain. Nevertheless, consistent patterns emerge. These show that indigenous and tribal peoples often have higher morbidity and mortality rates than other population groups, lower life expectancy, and higher infant and child mortality rates. Basic services (e.g. water, sanitation, energy, transport) tend to be less frequently available in areas where indigenous communities are highly concentrated, and environmental quality is often low. Chemical contamination threatens the safety and availability of traditional food sources, while major development projects often diminish habitats and natural resources.

4. Trends show that indigenous and tribal peoples in developing countries, particularly those in high or remote areas, are susceptible to malnutrition and diarrhoeal disease, as well as malaria and tuberculosis. Injuries and disabilities affect high proportions of indigenous and tribal peoples in both developed and developing countries, due in part to their heavy participation in informal migrant labour forces operating beyond the range of health and safety regulations. Disease patterns most often found in developing countries are also found among indigenous communities in industrialized countries. While infant mortality rates among indigenous peoples in some countries are dropping due to intensive efforts including vaccination campaigns, child mortality rates are in some cases increasing as the determinants of health remain largely unchanged.

5. The non-communicable and lifestyle diseases most commonly associated with indigenous peoples in developed countries (diabetes, mental health issues, substance use and violence-related injuries) occur mainly in a small number of countries - Australia, New Zealand, Canada, the United States of America, and Denmark (Greenland). The HIV/AIDS pandemic threatens health, social and economic security everywhere, particularly among the socially vulnerable. Insufficient access to culturally appropriate health services exacerbates the problems.

6. For health equity approaches to be successful, systematic health and demographic information on all marginalized and disadvantaged groups, including indigenous and tribal peoples, is needed. At the same time, the increasing calls of indigenous and tribal peoples to be centrally involved in decisions affecting their health have to be heeded.

**Framework for a global strategy on indigenous health**

7. In response to recent resolutions adopted by the World Health Assembly, the Department of Health and Development of WHO is coordinating the elaboration of an outline for a global strategy on indigenous health. Such a strategy will broadly identify common areas of relevance, but regions and countries themselves must be the major actors and key stakeholders in the development of plans of work relevant to national and local realities, and the needs and priorities of indigenous and tribal peoples in widely varying settings and contexts.

8. WHO's main role, in the light of its function as a normative and technical cooperation agency, will be to help generate evidence and locate existing best practices to assist member States wishing to become more involved in this area of work. A first draft of this outline will be discussed at the World Health Assembly in May 2002. At the time of writing, consensus on the contents of the document across all WHO Regions has still to be reached. Drawing on existing indications of priorities for indigenous and tribal peoples in the area of health, it will, however, include recommendations that work take place in the following broad areas:

Health and demographic data and information, to facilitate the acquisition and dissemination of systematic and accurate information on health trends and disparities between population groups;

Improving the capacity of health systems to respond to the health needs of the poor in general and marginalized populations in particular;

Identifying the determinants of health for marginalized populations, and integrating objectives in this respect into non-health sector policies and strategies;

Increasing access by indigenous and tribal peoples to information on disease prevention and health promotion (the health risks, conditions, and determinants to which their socio-economic status, lifestyles, livelihoods and habitats are likely to expose them);

The need for increased political commitment and enhanced national capacity to address these issues.

9. The World Health Assembly will review the draft outline in May 2002 and recommend further action. As with other major documents relating to indigenous and tribal issues, the process involved in finalizing a strategy acceptable to all stakeholders is likely to be complex and time-consuming.

*Terminology*

10. A wide variety of terminology is used across WHO's 6 Regions and 192 member States to address the question of health disparities between different population groups. A global strategy will need to take this variation into consideration, allowing terminology to remain as broad as possible. In each case, the member States concerned will need to identify the populations most vulnerable to health disparities, and the most appropriate umbrella under which they can be addressed. It is unlikely that one definition satisfying all Regions will be identified.

**Past and present work carried out by WHO**

11. Past and ongoing work of relevance to indigenous and tribal peoples' health includes the following:

(a) Establishment by the Pan American Health Organization in 1993 of the Indigenous Peoples' Health Initiative, as a contribution to the Decade. Work carried out under

its auspices concentrates on three main areas: strategic planning and alliances; intercultural frameworks and models of care; and information to detect and monitor inequalities. A series of documents and country profiles has been produced;[1]

(b) The work of the Traditional Medicine programme at WHO. This programme provides normative and country programme support to member States to help them develop their traditional medicine systems and integrate these into their national health care systems to ensure the appropriate, safe and effective use of traditional medicine.[2] It does not have a specific focus on indigenous peoples;

(c) Development of a framework for indigenous communities in managing substance abuse, piloted in Australia, New Zealand, Argentina, and Tonga (mid-1990s). Work resulting from this initiative is still ongoing in Argentina and New Zealand;

(d) Publication by the Mental Health Department of a document in the Nations for Mental Health series, entitled "The Mental Health of Indigenous Peoples: an international overview" (WHO/MNH/NAM/99.1);

(e) Preparation in 1997 of a document on the health of indigenous peoples by Dr. E.W. Alderete, University of Jujuy, Argentina, which has been widely used as a background document in many international conferences. WHO is currently investigating possibilities of making this an official WHO document;

(f) Holding of an International Consultation on Health of Indigenous Peoples at WHO headquarters in November 1999. A series of recommendations was made by the indigenous participants, and the indigenous caucus held parallel to the meeting drew up and adopted the Geneva Declaration on the Health and Survival of Indigenous Peoples (WHO/HSD/00.1);

(g) Contract to the Russian Association of Indigenous Peoples of the North (RAIPON) for preparation of a document on State policies relating to the health of indigenous peoples in Russia (2000);

(h) Preparation by PAHO in 2001 of a document on health and ethnicity in the context of the Americas (Spanish, Portuguese, English) (ISBN 92 75 07386 4);

(i) First version of a Global Compendium of Indigenous Health Research Institutions prepared (2001) (WHO/HDE/HID/01.2);

(j) Financial support to a United Nations Environment Programme/Arctic Council project on health and environment in the Russian Arctic region (2001);

(k) Preparation, in collaboration with an indigenous research centre in Canada, of a Participatory Research Management Guideline to assist the ethical conduct of health research involving indigenous and tribal peoples (work in progress);

(l) Elaboration by the African Regional Office of a framework to address indigenous, tribal and ethnic health issues (work in progress). Preparation of a case study on the health impacts of marginalization on pastoralist communities in Burkina Faso;

(m) Preparation by the Western Pacific Regional Office of case studies on the health status of ethnic populations in the Philippines, Malaysia and Viet Nam (work in progress).

**Conclusion**

12. The wide social, geographic, cultural and political diversity of WHO's Regions, and the differing approaches to health issues taken by member States within these Regions, make the establishment of common positions challenging. This challenge is made greater by the need to ensure that the policies, strategies and interventions adopted have the full endorsement of the intended beneficiaries. WHO looks forward to addressing and resolving many of these challenges in cooperation with the United Nations Permanent Forum on Indigenous Issues, and with partner organizations of the United Nations system.

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[1] For further information on the PAHO Initiative, please contact the officer in charge, Dr. Sandra Land (landsand@paho.org). Also, see the PAHO web site - http//:www.paho.org.

[2] For further information and documentation on the WHO Traditional Medicine programme, please contact Dr. X. Zhang, Acting Coordinator, TRM/HTP, at WHO headquarters, Geneva, Switzerland.

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# REVIEW OF ACTIVITIES OF THE UNITED NATIONS SYSTEM RELATING TO INDIGENOUS PEOPLES: AN INTERACTIVE DISCUSSION

**Information received from the United Nations system**

# THE WORK OF THE UNITED NATIONS POPULATION FUND (UNFPA) IN SUPPORT OF INDIGENOUS PEOPLES

## Introduction

1. Reports indicate that the standard of health care, including reproductive health care and related information, available to indigenous peoples is often inferior to that of the general population. Infant mortality and maternal morbidity and mortality rates are, in most countries, higher for indigenous peoples than the national average and their life expectancy is consequently lower. Adequate health care is often not delivered to indigenous peoples due to a lack of information and health-care services that are culture and language specific to them.

2. The Programme of Action of the International Conference on Population and Development (ICPD), approved by consensus among 179 countries, marked the beginning of a new era in population and development. The landmark agreement broke new ground in the commitments to raise the quality of life and improve the welfare of all human beings. The Programme of Action recognizes that the problems faced by indigenous peoples in such areas as human rights, the environment and health are directly related to the purpose of the ICPD and, as such, the distinctive perspective of indigenous peoples is reflected in all aspects of the Programme of Action. The need to promote and respect the rights of indigenous peoples, among

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others, was again stressed at the five-year review of ICPD in 1999, which also reiterated the importance of developing health services and programmes for indigenous peoples, with their full participation.

3. At the Millennium Summit, world leaders agreed, "to take measures to eliminate the increasing acts of racism and xenophobia in many societies, and to promote greater harmony and tolerance in all societies". In support of these international agreements, UNFPA's work is guided by the principles of human rights and is fully committed to the goals of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which include the betterment of the life of indigenous peoples. UNFPA therefore fully participated in the International Day of the World's Indigenous People on 9 August 2000, as well as in the preparatory consultations for the World Conference held on 10 August 2000 which resulted in a draft declaration by indigenous peoples for discussion at the World Conference against Racism.

4. As a matter of importance, UNFPA has appointed a focal point for indigenous peoples and UNFPA's regional Country Technical Services Teams (CSTs) include socio-cultural advisers who ensure that programmes are developed and implemented taking into account the perspective of indigenous peoples and other minorities. In addition, there are focal points for indigenous peoples in several of UNFPA's Country Offices.

**UNFPA's activities in support of indigenous peoples**

5. UNFPA has been supporting initiatives and programmes to address the special needs of indigenous peoples through developing quality, culturally sensitive reproductive health information and education programmes and services that respond to the needs of indigenous peoples, with their full participation. More specifically, UNFPA funds national and regional projects responding specifically to the needs of indigenous peoples, in particular in Latin America and the Caribbean region. These projects focus on improving access of indigenous peoples to primary health-care centres and to improving the quality of the reproductive health care received. The projects take into account the importance of cultural values for quality of care and include training and counselling components for health workers, as well as the provision of reproductive health equipment and contraceptives.

6. UNFPA has been funding reproductive health-related programmes for indigenous peoples since the early 1990s, and efforts have increased through the provision of bi-literacy programmes. These programmes, which involve providing literacy training in both the native language of the participants and Spanish - the official language of the country - are also excellent vehicles for transmitting information on reproductive health and gender issues to mostly illiterate indigenous peoples as well as to non-indigenous communities, including community leaders, policy makers, social and health workers and the media. UNFPA has been supporting such programmes in Bolivia, Guatemala, Mexico and Peru. UNFPA has also funded the production of a prize-winning documentary film on the bi-literacy programme in Peru, called *Así es esta historia*.

7. Regional activities include organization of a seminar on reproductive health for indigenous women held in Pucallpa, Peru, in June of 1998, as well as support for a number of socio-demographic studies in the Andean region.

**The way forward**

8. UNFPA will continue to participate in system-wide efforts, such as that regarding the creation of a forum for indigenous peoples, and consult with partners of the United Nations Development Group on further possible contributions. As to future activities, UNFPA has initiated work on the development of an African map of indigenous peoples. Such a map will show the location of the indigenous peoples and provide basic information (name, numbers and other characteristics) about them. If successful, a similar map will be developed for other regions, which will lead to a world map. These maps would facilitate the coverage of indigenous peoples in data collection activities, which is not currently the case. With a view to improving the living conditions and health status of the indigenous peoples, UNFPA would like to make the following recommendations. There is a need:

(a) To develop comprehensive and accessible health services and programmes, including reproductive health, for indigenous communities with their full participation. These programmes would respond to the needs and reflect the rights of indigenous peoples, with particular consideration to their cultures and languages;

(b) To place a gender perspective at the centre of all policies and programmes affecting women's health, in particular indigenous women, and involve them in the planning, implementation and monitoring of such policies and programmes, and in the provision of health services;

(c) To create permanent national and local working groups that include government officials, NGOs, women's groups and indigenous peoples to ensure that reproductive rights are explicitly covered in policies and laws;

(d) For Governments, in collaboration with research institutions and NGOs, as well as with the assistance of the international community, to strengthen national information systems to produce reliable statistics on a broad range of population and environment-related issues and to develop indicators in a timely manner. The indicators should include, inter alia, poverty measures at the community level, women's access to social and economic resources, enrolment and retention of girls and boys in schools, and access to reproductive health services. All of the information should be disaggregated by population subgroups, including indigenous peoples, age and sex, which are crucial for translating policy into strategies that address age and gender concerns and for developing appropriate indicators for monitoring progress;

(e) To develop youth and adult education programmes with a focus on issues relating to indigenous peoples.

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**Information received from the United Nations system**

## UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH (UNITAR) AND INDIGENOUS PEOPLES

### Introduction

1. The United Nations Institute for Training and Research (UNITAR) was established in 1965 as an autonomous body within the United Nations with the purpose of enhancing the effectiveness of the United Nations through appropriate training and research. UNITAR is governed by a Board of Trustees and is headed by an Executive Director. The Institute is supported by voluntary contributions from Governments, intergovernmental organizations, and foundations and other non-governmental sources.

2. UNITAR manages a number of programmes listed at the end of this paper. The training activities that deal directly with indigenous peoples' representatives are part of the Programme in Peacemaking and Preventive Diplomacy. These and the other training and research activities of this programme are detailed below.

3. UNITAR has the following functions:

(a) To conduct training programmes in multilateral diplomacy and international cooperation for diplomats accredited to the United Nations and national officials involved in work related to United Nations activities;

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(b) To carry out a wide range of training programmes in the field of social and economic development (training in the field of environmental management has become the fastest growing sector of UNITAR's work);

(c) To carry out result-oriented research, in particular, research on and for training, and to develop pedagogical materials including distance learning training packages, workbooks, software and video training packs;

(d) To establish and strengthen cooperation with facilities and academic institutions, in particular for the development of research on and for training.

## UNITAR PROGRAMME IN PEACEMAKING AND PREVENTIVE DIPLOMACY

### I. BACKGROUND

4. The UNITAR Programme in Peacemaking and Preventive Diplomacy was initiated in 1993 to enhance the effectiveness of United Nations efforts in conflict prevention and resolution. Since then, the programme has expanded to provide a range of research and training involving mid- and senior-level United Nations staff, diplomats, minority and indigenous peoples' representatives, and civil society and military personnel.

### II. MAIN ACTIVITIES

#### A. Training Programme to Enhance the Conflict Resolution and Peacebuilding Capacities of Minority and Indigenous Peoples' Representatives

5. Based on the requests of indigenous peoples' representatives at consultations in Geneva and on the recommendations of several special rapporteurs, this project was developed to provide advanced training in conflict analysis and negotiation to key representatives of minority and indigenous peoples. The focus is on a problem-solving negotiation approach to strengthen participants' capacity to negotiate more effectively to have their needs met, while also promoting constructive relationships between members of their communities and those in the dominant community. Indigenous and minority experts, as well as other specialists, including representatives of regional organizations, serve as resource persons for the training programme. The international training programme is conducted annually at the time of the annual session of the United Nations Working Group on Indigenous Populations and the Sub-Commission on the Promotion and Protection of Human Rights, held at the United Nations Office at Geneva. As well, a regional training programme is conducted in a different part of the world each year.

6. The first international programme, held in August 2000 in Geneva, was enthusiastically received by minority and indigenous peoples' representatives who strongly urged that the programme be held annually both in Geneva and at the regional level, to give their colleagues around the world the opportunity to strengthen their skills in negotiation and the peaceful resolution of conflict. A second Geneva programme was held in 2001. The Geneva programme

works with the United Nations and other organizations to identify individuals participating in the Working Group on Indigenous Populations who could best contribute to and benefit from the training programme. This programme is conducted in English.

7. The first UNITAR Regional Training Programme to Enhance the Conflict and Peacebuilding Capacities of Indigenous Peoples' Representatives of the Americas was held in Mexico City in December 2001. Training was conducted in Spanish and English. The programme is funded by the Department of Foreign Affairs and International Trade of Canada, the Ministry of Foreign Affairs of Denmark, the Federal Foreign Office of Germany, the Ministry of Foreign Affairs of Norway and the Federal Department of Foreign Affairs of Switzerland.

8. Participants are selected based on experience, recommendation and nomination. For information on this training programme, please contact:

Trisha Riedy, Coordinator
Tel: +41-22-917-8577
Fax: +41-22-917-8047
Email: trisha.riedy@unitar.org

### B. UNITAR-IPA Fellowship Programme in Peacemaking and Preventive Diplomacy

9. This annual programme (now in its ninth year) offers advanced training in conflict analysis, negotiation and mediation to mid- and senior-level United Nations staff, diplomats and representatives of regional organizations to strengthen institutional capacities in these areas. The primary focus is on preventing and resolving disputes through the United Nations. Senior United Nations staff members, including special representatives of the Secretary-General and renowned academics and practitioners, serve as resource persons for the programme to discuss the latest knowledge and practice in the field.

10. The two-week training offers a comprehensive course on how disputes begin, escalate and are resolved. Case studies of conflict situations are analysed to develop an understanding of the issues, obstacles and problems which occur. The programme also offers advanced practice in the skills needed to carry out effective preventive diplomacy and peacemaking. The programme is organized in cooperation with the International Peace Academy in New York.

11. The programme is supported by the Department of Foreign Affairs and International Trade of Canada, the Ministry of Foreign Affairs of Cyprus, the Federal Foreign Office of Germany, the Ministry of Foreign Affairs of Norway, the Ministry for Foreign Affairs of Sweden and the Department for International Development of the United Kingdom.

### C. Programme for Briefing and Debriefing Special Representatives and Envoys of the Secretary-General

12. This project is being carried out to preserve and pass on the valuable lessons and experience of special and personal representatives and envoys of the Secretary-General and to ensure that these are used to refine and enhance United Nations peace operations. The project has five components: (a) the debriefing of current and past special representatives through in-depth interviews; (b) the preparation of a handbook for special representatives, consisting of a well-organized summary of lessons and recommendations from these interviews; (c) a set of DVDs and videos from the interviews, which will accompany the handbook; (d) an annual seminar for special representatives and senior United Nations staff to provide a forum to share experiences and lessons and to promote dialogue; and (e) a more systematic briefing programme based on the recommendations of special representatives. The handbook and DVD/videos will form one part of the briefing programme for new special representatives. All of these activities are being carried out in close cooperation with the senior staff in relevant United Nations departments. The process of carrying out in-depth interviews with special representatives is well under way and is proving a rich source of useful data. A first draft of the handbook and sample of video/DVDs will be completed in October 2002.

13. The first "Seminar for Current Special and Personal Representatives and Envoys of the United Nations Secretary-General: Enhancing the Implementation of Peace Operations" took place in Mont Pélerin, Switzerland, in March 2001. The meeting was attended by the Secretary-General, 22 of the 26 current full-time Special and Personal Representatives and Envoys, the High Commissioner for Human Rights, the High Commissioner for Refugees, the Under-Secretaries-General for the Department of Political Affairs, the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, the Administrator of UNDP, representatives of the World Bank and the International Monetary Fund, other senior officials of the United Nations, as well as senior representatives of donor Governments. The Minister for Foreign Affairs of Switzerland hosted a dinner in honour of the Secretary-General and his representatives. The second seminar will take place in October 2002.

14. The programme is funded by the Department of Foreign Affairs and International Trade of Canada, the Ministry for Foreign Affairs of Sweden, the Federal Department of Foreign Affairs of Switzerland and the Department for International Development of the United Kingdom.

### D. UNITAR Regional Training Programme to Enhance Conflict Prevention and Peacebuilding in Africa

15. This programme has been developed as an extension of the Fellowship Programme (mentioned above) to provide training at the regional level. It includes participants from the Foreign and Defence Ministries of African States, as well as key staff from intergovernmental and non-governmental organizations in the region. It focuses on the pressing need to improve the prevention and resolution of conflicts in Africa.

16. African experts from across the continent serve as resource persons. The programme addresses the challenges faced by practitioners and decision-makers in their efforts to assess and respond to the proliferation of emerging crises in the region. It is designed to strengthen coordination and collaboration among actors and institutions and to provide a cadre of persons who could be called upon to use their skills to assist peace processes in Africa. The first regional training programme was held in October 2000 in Dakar and the second in October 2001 in Addis Ababa. These programmes have received funding from the International Development Agency of Canada, the Federal Foreign Office of Germany, the Ministry of Foreign Affairs of Norway and the Department for International Development of the United Kingdom.

### E. UNITAR-RPTC Subregional Training Programme to Enhance Conflict Prevention and Peacebuilding in Southern Africa

17. This UNITAR-RPTC Training Programme to Enhance Conflict Prevention and Peacebuilding in Southern Africa was established to provide advanced training in conflict analysis, prevention and resolution to middle- and senior-level professional staff from Ministries of Foreign Affairs and Defence of member States of the Southern African Development Community (SADC). In addition, it also invites the participation of relevant members of staff from the SADC secretariat, as well as representatives of key non-governmental organizations focusing on peacemaking in southern Africa.

18. This programme is co-organized with the SADC Regional Peacekeeping Training Centre (RPTC) and focuses on the pressing need to address issues of peacemaking in the southern African region and the challenges faced by practitioners and decision makers in their efforts to assess and respond to the current and potential conflict situations in the subregion. The training programme takes place at RPTC headquarters in Harare. The first programme was held in March 2000 and the second in February 2001. These programmes have been funded by the Ministry of Foreign Affairs of Denmark.

### F. Network for the Promotion of African Principles of Conflict Resolution and Reconciliation/Réseau pour la promotion des principes africains de résolution des conflits et de réconciliation (REPARCOR)

19. The network has been established between intergovernmental and non-governmental organizations working to promote the revitalization and use of African cultural approaches to peacemaking. The Network seeks to promote the use of the positive cultural values, knowledge and skills that exist within African indigenous approaches to conflict resolution and reconciliation. The Network, which has focal points in all subregions of Africa, collaborates with initiatives that seek to draw upon African cultural values to build a culture of peace on the African continent. For additional information, please refer to the Network's web site at www.africanprinciples.org. The initial funding for the establishment of the Network was received from the Department for International Development of the United Kingdom.

20. In addition to the Programme in Peacemaking and Preventive Diplomacy, UNITAR manages the following programmes: International Affairs Management; Chemicals and Waste Management; Climate Change; Information Systems for Sustainable Development; International Training Centre for Local Actors - Decentralized Cooperation; International Migration Policy;

Environmental Law Programme; Legal Aspects of Debt, Financial Management, and Negotiation; Foreign Economic Relations; Training for Civil Personnel in Peacekeeping Operations on the Special Needs of Women and Children in Conflict; Correspondence Instruction in Peacekeeping Operations; Conference Series on Peacekeeping organized by UNITAR, the Institute for Political Studies (IPS) and the Japanese Institute for International Affairs (JIIA); UNITAR Hiroshima Programmes.

For more information on UNITAR programmes, please consult the web site, or contact UNITAR at the following address:

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